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SUBJECT: UNSC ADOPTS RES 1730 ON SANCTIONS "DUE PROCESS"

REF: A. STATE 199549
[1](#)B. STATE 196351
[1](#)C. USUN 1430
[1](#)D. USUN 1078
[1](#)E. USUN 917
[1](#)F. STATE 147093

[1](#)1. (U) On December 19, 2006, the Security Council unanimously adopted UNSCR 1730, concerning fair and clear procedures ("due process") for removing individuals and entities from under sanctions (delisting). UNSCR 1730 establishes an administrative focal point within the Secretariat, to which sanctioned individuals and entities can send directly a delisting petition. Once received, the focal point will forward the delisting petition to concerned States and, in some cases, the sanctions committee, to ensure the petitioner gets a fair hearing.

[1](#)2. (SBU) COMMENT: The establishment of the focal point addresses widespread international criticism, which claimed individuals subject to Security Council sanctions lacked any channel to challenge the designation. This chorus of criticism threatened to undermine support for UN targeted sanctions, and the adoption of UNSCR 1730 demonstrates concerted action by the Security Council to strengthen sanctions through fair and clear procedures. END COMMENT.

[1](#)3. (U) BEGIN TEXT:

The Security Council,

Recalling the statement of its President of 22 June 2006 (Secretariat/PRST/2006/28),

Emphasizing that sanctions are an important tool in the maintenance and restoration of international peace and security,

Further emphasizing the obligations placed upon all Member States to implement, in full, the mandatory measures adopted by the Security Council,

Continuing in its resolve to ensure that sanctions are carefully targeted in support of clear objectives and implemented in ways that balance effectiveness against possible adverse consequences,

Committed to ensuring that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian

exemptions,

¶1. Adopts the delisting procedures in the document annexed to this resolution and requests the Secretary-General to establish within the Secretariat (Security Council Subsidiary Organs Branch), a focal point to receive de listing requests and to perform the tasks described in the attached annex;

¶2. Directs the sanctions committees established by the Security Council, including those established pursuant to resolutions 1718 (2006), 1636 (2005), 1591 (2005), 1572 (2004), 1533 (2004), 1521 (2005), 1518 (2003), 1267 (1999), 1132 (1997), 918 (1994), and 751 (1992) to revise their guidelines accordingly;

¶3. Decides to remain seized of the matter.

Annex: De-listing procedure

The Security Council requests the Secretary-General to establish, within the Secretariat (Security Council Subsidiary Organs Branch), a focal point to receive delisting requests. Petitioners seeking to submit a request for delisting can do so either through the focal point process outlined below or through their state of residence or citizenship (Footnote 1).

The focal point will perform, sequentially, the following tasks:

¶1. Receive delisting requests from a petitioner (individuals, groups, undertakings, and/or entities on the Sanctions Committee's lists).

¶2. Verify if the request is new or is a repeated request.

¶3. If it is a repeated request and if it does not contain any additional information, return it to the petitioner.

¶4. Acknowledge receipt of the request to the petitioner (or his /her representatives) and inform the petitioner on the general procedure for processing that request.

¶5. Forward the request, for their information and possible comment(s), to the designating government(s) and to the government(s) of citizenship and residence. Those governments are encouraged to consult with the designating government(s) before recommending delisting. To this end, they may approach the focal point, which, if the designating state(s) so agree(s), will put them in contact with the designating state(s).

¶6. (a) If, after these consultation, any of these governments recommend delisting, that government will forward its recommendation, either through the focal point or directly to the Chairman of the Sanctions Committee, accompanied by that government's explanation. The Chairman will then place the delisting request on the Committee's agenda.

(b) If any of the governments, which were consulted on the delisting request under paragraph 5 above oppose the request, the focal point will so inform the Committee and provide copies of the delisting request. Any member of the Committee, which possesses information in support of the delisting request, is encouraged to share such information with the governments that reviewed the delisting request under paragraph 5 above.

(c) If, after a reasonable time (3 months), none of the governments, which reviewed the delisting request under paragraph 5 above comment, or indicate that they are working on the delisting request to the Committee and require an additional definite period of time, the focal point will so notify all members of the Committee and provide copies of the delisting request. Any member of the Committee may, after consultation with the designating government(s), recommend delisting by forwarding the request to the Chairman of the Sanctions Committee, accompanied by an explanation. (Only one member of the Committee needs to recommend delisting in

order to place the issue on the Committee's agenda.) If after one month, no Committee member recommends delisting, then it shall be deemed rejected and the Chairman of the Committee shall inform the focal point accordingly.

¶7. The focal point shall convey all communications, which it receives from Member States, to the Committee for its information.

¶8. Inform the petitioner:

- (a) Of the decision of the Sanctions Committee to grant the delisting petition; or
- (b) That the process of consideration of the delisting request within the Committee has been completed and that the petitioner remains on the list of the Committee.

(Footnote 1 text): A State can decide, that as a rule, its citizens or residents will address their delisting request directly to the focal point. The State will do so by a declaration addressed to the Chairman of the Committee that will be published on the Committee's website.

END TEXT.
WOLFF